

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RUSSELL STEWART,)	
)	
Plaintiff,)	Civ. No. 04-1200-SLR
)	
v.)	
)	
STATE OF DELAWARE,)	
DEPARTMENT OF PUBLIC SAFETY,)	
CAPITOL POLICE)	
)	
Defendant.)	

MOTION TO EXTEND THE DISPOSITIVE MOTION DEADLINE

_____**COMES NOW**, Russell Stewart, plaintiff by and through his attorney, R. Stokes Nolte, and files this motion to extend the dispositive motion deadline, and as grounds therefore shows:

1. This case involves claims of racial discrimination in the hiring practices used by the Capitol Police when they denied Plaintiff an interview.
2. The Court set a scheduling order in this matter for all fact discovery to be completed by August 31, 3005.
3. Defendants finally supplied answers to written discovery on August 11, 2005.
4. Plaintiff was on vacation from August 22 to August 28. 2005.
5. Plaintiff met with his attorney on August 29, 2005 to go over the Defendant's response to his Request for Production and Interrogatories.
6. Plaintiff scheduled the deposition of Lt. David Hunt in the afternoon on Monday, August 29, 2005 to be conducted at the next available time for his attorney and defendant's attorney, which was on Friday, September 16, 2005.
7. At that deposition, Plaintiff's Attorney became aware that he will need to depose

three other people involved in the interview process in order to gather all the information needed for Plaintiff's case.

8. Plaintiff submitted to Defendant, on Tuesday, September 20, 2005, proposed dates to conduct the depositions of these witnesses.
9. Plaintiff has just learned that two of the witnesses are no longer state employees and that he will have to find them to serve subpoenas on them.
10. Due to the scheduling of both Plaintiff and Defendant, the next available times of both attorneys puts the depositions into October.
11. Defendant does not object to this extension for scheduling the depositions but requests that the deadlines for dispositive motions be extended to accommodate the scheduling of these additional depositions.
12. Plaintiff wishes to extend the dispositive motion deadline until November 30, 2005. This will not effect any of the remaining dates in the Order
13. Plaintiff has acted in good faith and without undue delay in attempting to get the depositions scheduled.

WHEREFORE, Movant requests that the Court, after due notice and hearing, extend the dispositive motion deadline until November 30, 2005.

/s/ R. Stokes Nolte

R. Stokes Nolte, Esquire
De. State Bar I.D. No.: 2301
Nolte & Associates
1010 N. Bancroft Parkway
Suite 21
Wilmington, DE 19805
(302) 777-1700
Attorney for Russell Stewart

Date: